

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JOSEPH THEODORE MCNEIL,  
Petitioner,  
vs.  
RICHARD MORGAN,  
Respondent.

NO. CV-05-5099-CI

**ORDER ADOPTING REPORT AND  
RECOMMENDATION AND DISMISSING  
PETITION WITHOUT PREJUDICE**

Magistrate Judge Imbrogno filed a Report and Recommendation on August 15, 2006, recommending Mr. McNeil's habeas corpus petition be dismissed without prejudice. There being no objections, the Court **ADOPTS** the Report and Recommendation. The Petition is **DISMISSED WITHOUT PREJUDICE** for failure to exhaust.

**IT IS SO ORDERED.** The District Court Executive is directed to enter this Order and forward a copy to Petitioner, enter judgment and close the file.

**DATED** this 20th day of October 2006.

S/ Edward F. Shea

EDWARD F. SHEA  
UNITED STATES DISTRICT JUDGE

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